

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

SAMUEL R. QUEEN,

Petitioner,

No. 3:16-cv-00373-TC

v.

WARDEN IVES, FCI
SHERIDAN,

ORDER

Respondent.

HERNÁNDEZ, District Judge:

Magistrate Judge Coffin issued a Findings and Recommendation [8] on November 3, 2016, in which he recommends that this Court deny Petitioner's Petition [1] as duplicative. The matter is now before the Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Petitioner filed timely objections to the Magistrate Judge's Findings & Recommendation. ECF 11. When any party objects to any portion of the Magistrate Judge's Findings &

Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1); Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc).

Petitioner's objections are unavailing. In addition to the case cited by Judge Coffin, case number 15-cv-00916-AA, this Court notes another case in this District, case number 15-cv-00806-KI, in which Plaintiff brought identical claims to those he wishes to advance in the present case. Case number 15-cv-00806-KI was dismissed without prejudice because it was duplicative of 15-cv-00916-AA. As Judge Coffin explained, a petitioner proceeding *in forma pauperis* has no right to file a complaint "that merely repeats pending or previously litigated claims." See Cato v. United States, 70 F.3d 1103, 1105 (9th Cir. 1995).

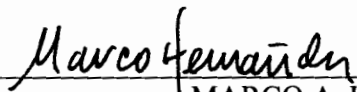
The Court has also reviewed the pertinent portions of the record *de novo* and finds no other errors in the Magistrate Judge's Findings & Recommendation.

CONCLUSION

The Court ADOPTS Magistrate Judge Coffin's Findings & Recommendation [8]. The Court denies Petitioner's Petition [1] for Writ of Habeas Corpus. Accordingly, this case is dismissed without prejudice. All other pending motions are denied as moot. In addition, the Court denies a certificate of appealability.

IT IS SO ORDERED.

DATED this 3 day of Jan., 2017.


 MARCO A. HERNÁNDEZ
 United States District Judge